

By: Representatives Wells-Smith, Fillingane

To: Judiciary A

HOUSE BILL NO. 988
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 93-17-205, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE BUREAU OF VITAL STATISTICS OF THE STATE DEPARTMENT
3 OF HEALTH WITH THE ASSISTANCE OF THE ADMINISTRATIVE OFFICE OF
4 COURTS TO MAINTAIN A RECORD WITH INFORMATION REGARDING THE NUMBER
5 OF ADOPTIONS IN THIS STATE; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 93-17-205, Mississippi Code of 1972, is
8 amended as follows:

9 93-17-205. (1) The bureau shall maintain a centralized
10 adoption records file for all adoptions performed in this state
11 after July 1, 2005, which shall include the following information:

12 (a) The medical and social history of the birth
13 parents, including information regarding genetically inheritable
14 diseases or illnesses and any similar information furnished by the
15 birth parents about the adoptee's grandparents, aunts, uncles,
16 brothers and sisters;

17 (b) A report of any medical examination which either
18 birth parent had within one (1) year before the date of the
19 petition for adoption, if available;

20 (c) A report describing the adoptee's prenatal care and
21 medical condition at birth, if available; and

22 (d) The medical and social history of the adoptee,
23 including information regarding genetically inheritable diseases
24 or illnesses, and any other relevant medical, social and genetic
25 information.

26 The Administrative Office of Courts shall assist the bureau
27 in the maintenance of its centralized adoption record by compiling
28 the number of finalized adoptions in each chancery court district

29 on a monthly basis, and submitting this information to the bureau.
30 The bureau shall include these statistics in its centralized
31 adoption record. The information in this report shall include the
32 number of adoptions in this state where the adopting parent is a
33 blood relative of the adoptee and the number of adoptions in this
34 state where the adopting parent is not a blood relative of the
35 adoptee. The report shall not include any individual identifying
36 information. This information shall be updated annually and made
37 available to the public upon request for a reasonable fee.

38 (2) Any birth parent may file with the bureau at any time
39 any relevant supplemental nonidentifying information about the
40 adoptee or the adoptee's birth parents, and the bureau shall
41 maintain this information in the centralized adoption records
42 file.

43 (3) The bureau shall also maintain as part of the
44 centralized adoption records file the following:

45 (a) The name, date of birth, social security number
46 (both original and revised, where applicable) and birth
47 certificate (both original and revised) of the adoptee;

48 (b) The names, current addresses and social security
49 numbers of the adoptee's birth parents, guardian and legal
50 custodian;

51 (c) Any other available information about the birth
52 parent's identity and location.

53 (4) Any birth parent may file with the bureau at any time an
54 affidavit authorizing the bureau to provide the adoptee with his
55 or her original birth certificate and with any other available
56 information about the birth parent's identity and location, or an
57 affidavit expressly prohibiting the bureau from providing the
58 adoptee with any information about such birth parent's identity
59 and location, and prohibiting any licensed adoption agency from
60 conducting a search for such birth parent under the terms of
61 Sections 93-17-201 through 93-17-223. An affidavit filed under

62 this section may be revoked at any time by written notification to
63 the bureau from the birth parent.

64 (5) Counsel for the adoptive parents in the adoption
65 finalization proceeding shall provide the bureau with the
66 information required in subsections (1) and (3) of this section,
67 and he shall also make such information a part of the adoption
68 records of the court in which the final decree of adoption is
69 rendered. This information shall be provided on forms prepared by
70 the bureau.

71 (6) (a) If an agency receives a report from a physician
72 stating that a birth parent or another child of the birth parent
73 has acquired or may have a genetically transferable disease or
74 illness, the agency shall notify the bureau and the appropriate
75 licensed adoption agency, and the latter agency shall notify the
76 adoptee of the existence of the disease or illness, if he or she
77 is twenty-one (21) years of age or over, or notify the adoptee's
78 guardian, custodian or adoptive parent if the adoptee is under age
79 twenty-one (21).

80 (b) If an agency receives a report from a physician
81 that an adoptee has acquired or may have a genetically
82 transferable disease or illness, the agency shall notify the
83 bureau and the appropriate licensed agency, and the latter agency
84 shall notify the adoptee's birth parent of the existence of the
85 disease or illness.

86 (7) Compliance with the provisions of this section may be
87 waived by the court, in its discretion, in any chancery court
88 proceeding in which one or more of the petitioners for adoption is
89 the natural mother or father of the adoptee.

90 **SECTION 2.** This act shall take effect and be in force from
91 and after July 1, 2005.